

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

INTEROCEAN COAL SALES, LDC,

Plaintiff,

v.

EVONIK TRADING, GmbH, et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6/24/11

Case No.: 11 Civ. 0940 (NRB)

STIPULATION

WHEREAS on February 14, 2011, Plaintiff Interocean Coal Sales, LDC ("Plaintiff") filed its Complaint in this matter.

WHEREAS on March 29, 2011, Defendant Evonik Industries AG ("Evonik Industries") filed a Motion to Dismiss the Complaint.

WHEREAS on March 30, 2011, Defendant Evonik Degussa Corporation ("Evonik Degussa") filed a Motion to Dismiss the Complaint.

WHEREAS Evonik Degussa and Evonik Industries entered into a stipulation with Plaintiff on April 11, 2011, consenting to Plaintiff's request to extend its time to respond to their Motions to Dismiss from April 11, 2011 to May 2, 2011; Evonik Degussa and Evonik Industries entered into a second stipulation with Plaintiff on April 26, 2011, consenting to Plaintiff's request to extend its time to respond to their Motions to Dismiss from May 2, 2011 to May 16, 2011; Evonik Degussa and Evonik Industries entered into a third stipulation with Plaintiff on May 12, 2011, consenting to Plaintiff's request to extend its time to respond to their Motions to Dismiss from May 16 to May 31, 2011; Evonik Degussa and Evonik Industries entered into a fourth stipulation with Plaintiff on May 31, 2011, consenting to Plaintiff's request to extend its

time to respond to their Motions to Dismiss from May 31 to June 14, 2011; and Evonik Degussa and Evonik Industries entered into a fifth stipulation with Plaintiff on June 14, 2011, consenting to Plaintiff's request to extend its time to respond to their Motions to Dismiss from June 14, 2011 to June 28, 2011.

WHEREAS Plaintiff requested, and Evonik Industries and Evonik Degussa consented to, the extensions of time because all parties have entered settlement discussions, have exchanged settlement drafts, and expect to have the documents concerning the dismissal of Plaintiff's claims against Evonik Industries and Evonik Degussa executed within 30 days.

NOW THEREFORE, Plaintiff, Evonik Degussa and Evonik Industries, through their undersigned counsel and in furtherance of their settlement discussions, hereby stipulate and agree as follows:

1. Evonik Industries and Evonik Degussa have consented to Plaintiff's request to extend its time to respond to their Motions to Dismiss by thirty (30) days, up to and including July 28, 2011.

2. In turn, Plaintiff has consented to Evonik Degussa and Evonik Industries' request to extend their time to reply to Plaintiff's answering papers by seven (7) days, up to and including August 26, 2011.

Dated: June 23, 2011  
New York, New York

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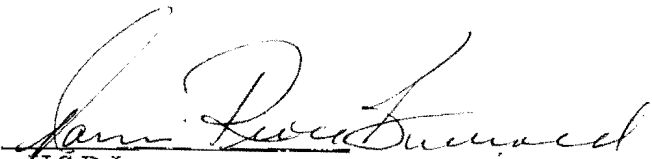
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So Ordered: 

U.S.D.J.

4/23/11